

### **REMARKS**

Claims 1-12 and 31-36 are pending in the current application. Claim 31 has been amended to delete from element (b) language from the claim that was previously added via the Amendment filed on April 25, 2002. In addition, the specification has been amended to delete language that was previously added via the same Amendment and to which the Examiner objected to as allegedly being new matter. No new matter is introduced by this amendment nor does this amendment present any need for additional searching. Reconsideration is respectfully requested.

### **Examiner Interview**

Applicant thanks the Examiner for his time and consideration during the interview via telephone on July 31, 2003. As requested by the Examiner, we have included a reference whose teachings illustrate both that the Hoffman referenced polymer at issue (as shown in Fig. 14 of Hoffman, U.S. Patent No. 5,998,588) is of insufficient molecular weight to form a gel and that large molecular weights are necessary for the physical entanglements required to form a gel matrix. A copy of this reference (Han et al., *Inverse thermally-reversible gelation of aqueous N-isopropylacrylamide copolymer solutions*, Polymer, Vol. 39, No. 13 (1998)) is attached with the accompanying Information Disclosure Statement.

### **Objection Under 35 USC § 132**

The Examiner has objected to the Amendment filed on 5-7-02 alleging that it introduces new matter into the disclosure. We believe the Amendment to which the Examiner is referring is the Amendment referenced immediately above (filed 4-25-02).

Although Applicant strongly disagrees that such amendments introduced new matter, because the claims are patentable without such additions to claim 31 or the specification, the language has been deleted by the present Amendment.

### **Rejection Under 35 USC §102(e) and Alternatively Under 35 USC § 103(a)**

The Examiner continues his rejection of claims 1-12 and 31-36 as allegedly being unpatentable under §102(e) and alternatively under § 103(a) over Hoffman (U.S. Patent No. 5,998,588). Applicant traverses this rejection.

As discussed in the interview with the Examiner, the polymer the Examiner is currently citing in Hoffman cannot form a gel. The claims currently under consideration include the limitation that the claimed compositions form a reversible gelling copolymer. Thus, the present claims are patentable over the Hoffman reference.

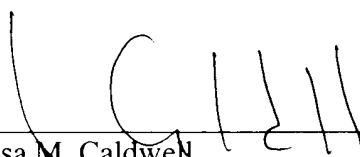
More specifically, the referenced Hoffman polymer (as shown in Fig. 14 of Hoffman) illustrates the schematic of synthesis of a random copolymer of N-isopropylacrylamide and acrylic acid using a chain transfer agent. The use of chain transfer agents results in polymers of low molecular weight. Hoffman states that the random copolymers of N-isopropylacrylamide and acrylic acid discussed in the reference have molecular weights from about 1,000 to 30,000 Daltons (col. 6, ll. 61-64). As discussed and illustrated by the Han reference mentioned above, only polymers of high molecular weights form gels; molecular weights much higher than 30,000 (p.2811, last paragraph). Also as discussed in Han, polymers having large molecular weights (long chains) are needed to cause the physical entanglements required in gel matrix formation (p. 2814). Thus, the Hoffman polymers cited cannot form gels as recited in the present claims.

For at least the reasons set forth above, the claims are allowable over the art of record. If the Examiner has any questions or need for further information, please do not hesitate to contact the undersigned attorney.

Respectfully submitted,

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